

REMARKS

New claims 19-21 have been added. No new matter has been added. Claims 12-21 are pending in the present application. In the Office Action, the Examiner objected to claims 12 and 15-16 because the acronym "SMM" was not spelled out in the independent claims and to claim 18 because of a typographical error indicating that claim 18 depended from claim 12. Claims 12, 15-16, and 18 have been amended to spell out the acronyms and to correct typographical errors. The claims have in no way been narrowed by virtue of these amendments and so these amendments should not be interpreted as narrowing the claimed invention for purposes of any determination under the doctrine of equivalents. Applicant respectfully requests that the Examiner's objections be withdrawn.

In the Office Action, claims 12-18 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wiedemer (U.S. Patent No. 5,155,680). The Examiner's rejections are respectfully traversed.

Wiedemer is directed to a computer software security and billing system. The Examiner alleges that Wiedemer teaches a method of operating a computer system in System Management Mode. Applicant respectfully disagrees. As defined in the specification, System Management Mode (SMM) is a mode of operation in the computer system that was implemented to conserve power. The SMM was created for the fourth generation x86 processors. As newer x86 generation processors have appeared, the SMM has become relatively transparent to the operating system. That is, computer systems enter and leave the SMM with little or no impact on the operating system. See Patent Application, page 13, ll. 13-17. Applicant respectfully submits that Wiedemer does not teach or suggest a computer system capable of operating in System Management Mode. In fact, Wiedemer appears to be completely silent with regard to


System Management Mode. Accordingly, Applicant submits that Wiedemer fails to teach or suggest calling an SMM exit routine, as set forth in claims 12 and 15-16. For at least the aforementioned reasons, Applicant respectfully submits that claims 12-18 are not anticipated by Wiedemer and request that the Examiner's rejections of these claims be withdrawn.

New claim 19 sets forth a method of operating a computer system in System Management Mode (SMM), including calling an SMM exit routine. Thus for at least the aforementioned reasons, Applicant respectfully submits that claims 19-21 are also allowable over Wiedemer.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date: 6/21/04


Mark W. Sincell Ph.D.
Reg. No. 52,226
Williams Morgan & Amerson, P.C.
10333 Richmond Avenue, Suite 1100
Houston, TX 77042
(713) 934-7000
(713) 934-7011 (Fax)

AGENT FOR APPLICANT